

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

FILED
IN OPEN COURT

MAY - 6 2011

CLERK, U.S. DISTRICT COURT
NEWPORT NEWS, VA

UNITED STATES OF AMERICA

)

v.

) CRIMINAL NO. 4:11cr16

)

ROBERT RAYMOND RUKS, Jr.,

)

Defendant.

)

STATEMENT OF FACTS

If this matter had gone to trial, the United States would have proven the charges contained in the two count criminal information beyond a reasonable doubt, by proof of the following facts, among others:

Count One of the criminal information alleges that on or about May 22, 2009, at his residence located in Portsmouth, Virginia, defendant, ROBERT RAYMOND RUKS (RUKS), Jr., knowingly and willfully made a materially false statement to agents working for the Naval Criminal Investigative Service (NCIS) to wit: "I only falsified certifications on welds in Hull Number 667 unit 1A," Count Two alleges that on or about July 18, 2007, onboard Newport News Naval Shipyard, RUKS knowingly made a false writing when he wrote his signature and employee identification number on a pipe joint weld record for joint number HDC-40044, on Ship 780, indicating he had inspected the pipe joint weld when in fact he had not inspected it.

In or about March 2005, RUKS was hired by Northrup Grumman Shipbuilding, Newport News (NGSB NN) in the Non Destructive Testing (NDT) department as an Inspector. As an NDT inspector, RUKS performed magnetic particle (MT) inspections and other NDT inspections on structural and pipe weld joints for ships being serviced at NGSB NN. Department of Defense

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personnel also perform NDT weld joint inspections. Weld joints connect two or more pieces of metal, steel or other material. MT inspectors check for defects in weld joints to ensure it complies with industry standards and is "SAT"(satisfactory). If weld joints are welded improperly, they can crack and/or break.

After an inspector completes an MT inspection of a structural weld joint and finding it to be SAT, they write their personal employee number (PERN), the phrase "MT OK" and the date of the inspection on the weld joint itself. This is standard procedure and signifies that the structural weld joint was inspected and determined to be "SAT." At the end of their shift, MT inspectors then electronically certify their inspections using the Electronic Record System (ERS). The electronic certification is standard procedure and it becomes the permanent record of the inspection of a particular structural weld joint. RUKS successfully completed ERS training in August 2005.

Pipe joint welds connect two or more pieces of pipe. Shipboard pipes generally contain and transport material that is under pressure. NDT inspectors do not certify their inspections using ERS. Instead, they write their PERN, their name, and the date of the inspection on a pipe joint weld record. This becomes the permanent record for a particular pipe weld joint. While employed by NGSB NN, RUKS was assigned PERN 57897.

On or about May 14, 2009, NDT departmental supervisors suspected that RUKS had signed off on the MT inspection of three lift pad weld joints on Hull 667 but had not actually performed the inspections. When confronted, RUKS admitted that he wrote "PERN 57897, 14May09 and MT OK" on the three lift pad joints but had not inspected them. RUKS had not as yet completed the ERS certification on the lift pad weld joints because his shift had not ended.

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RUKS told his supervisors the failure to perform the inspection was an isolated incident. Lift pads are used to lift and support submarines or parts of submarines during construction or maintenance periods when the ship is out of the water. Lift pads are attached by welding them to the exterior surface of a submarine or surface ship.

Officials working for NGSB NN contacted Naval Criminal Investigative Service (NCIS) and an investigation was initiated. NICS is an agency within the Department of Defense, within the executive branch of the Government of the United States. On May 22, 2009, RUKS agreed to be interviewed by NCIS agents. During the interview, RUKS admitted that he had falsely annotated the three lift pad weld joints on Hull number 667 as complete. Moreover, RUKS told investigators "I only falsified certifications on welds in hull number 667 1A." RUKS admits that this statement was materially false in that he intended to misrepresent and minimize the scope of his deception to the NCIS agents.

On May 27, 2009, NCIS agents re-interviewed RUKS. At this time, RUKS admitted that he falsely certified structural and pipe joint welds on three additional submarines, namely NGSB hull numbers 665, 666, and 668. RUKS stated that he did not have a good reason for falsifying the weld joint certifications other than "being lazy or the pressure I placed on myself to get the job done." RUKS also stated that sometimes he would falsely certify inspections simply based on their location and because "I just began to care less and less."

In or about May 14, 2009, NGSB NN used the ESR database and other methods to determine that RUKS certified 9,506 NDT weld joint inspections on a total of six submarines. All 9,506 NDT weld joints were reinspected. The reinspection work was completed in or about November 2009 and revealed that fourteen (14) structural welds and two (2) pipe welds

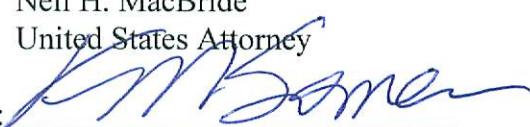
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previously certified by RUKS as SAT were determined to be UNSAT (Unsatisfactory). The reinspection of all weld joints previously certified by RUKS required 18,906 man-hours to complete, which included the rework of the defective weld joints.

The pipe joint weld for joint number HDC-40044, NSGB 665, ship 780 (USS MISSOURI) determined to be UNSAT during the reinspection was a critical SUBSAFE weld. Inspectors found a one-half inch linear crack on the bottom side of the weld. RUKS admits that on July 18, 2007, he wrote his personal employee number, 57897, initials, and the date of inspection on the Pipe Joint Weld Record for joint number HDC-40444 and that by doing so he made a materially false representation that he had inspected and certified the weld on the pipe joint as SAT when in fact he had not inspected it.

The loss to the United States attributable to RUKS's false certifications of MT and other NDT weld inspections from in or about 2006 through May 14, 2009 is \$654,000, which includes the cost of reinspection, identifying and correcting defective welds.

At all times relevant to the charged offenses, RUKS was located in the Eastern District of Virginia.

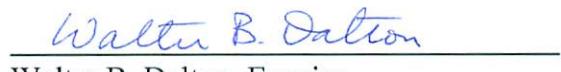
Neil H. MacBride
United States Attorney
By: 
Karen M. Somers
Special Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, ROBERT RAYMOND RUKS Jr., and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

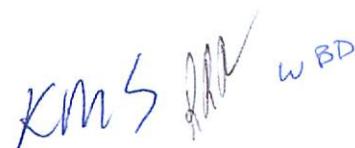


ROBERT RAYMOND RUKS Jr.,
DEFENDANT

I am Walter B. Dalton, ROBERT RAYMOND RUKS' attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Walter B. Dalton
Walter B. Dalton, Esquire
Attorney for ROBERT RAYMOND RUKS Jr.,



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